

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLOR ME HOUSE INC.,)	No. 12-05935-RJB
)	
Plaintiff,)	JOINT STATUS REPORT
)	
vs.)	
)	
DISCOVERY COMMUNICATIONS, INC.,)	
)	
Defendant.)	

Plaintiff Color Me House Inc. ("Color Me House") and defendant Discovery Communications, Inc. ("Discovery"), join in making the following report:

1. A statement of the nature and complexity of the case. Color Me House filed suit against Discovery, stating claims for infringement of Color Me House's registered trademarks, false designation of origin, and unfair competition under Washington law. Discovery denies Color Me House's allegations and asserts counterclaims that Color Me House's trademark registrations are invalid. Color Me House denies Discovery's allegations. The parties believe the case is of moderate complexity for a trademark infringement lawsuit.

2. The results of the FRCP 26(f) conference. Other than the statements contained herein, the parties do not have any results to report as a result of their FRCP 26(f) conference.

3. A proposed deadline for joining additional parties. The parties propose April 28, 2013, as the deadline for joining additional parties.

1 **4. A statement of which ADR method should be used.** The parties believe that
2 mediation is appropriate.

3 **5. A statement of when mediation or another ADR proceeding should take**
4 **place.** The parties propose May 28, 2013, as the deadline completing their mediation.

5 **6. A proposed discovery plan that indicates:**

6 **a. The date on which the FRCP 26(f) conference and FRCP 26(a) initial**
7 **disclosures took place.** The FRCP 26(f) conference took place on January 28, 2013. Discovery
8 made its initial disclosures on January 23, 2013. Color Me House made its initial disclosures on
9 January 25, 2013.

10 **b. The subjects on which discovery may be needed.** The parties expect to
11 need discovery on all claims, counterclaims, and defenses asserted in this case, as well as on
12 Color Me House's claims for damages. They do not believe discovery should be conducted in
13 phases or be limited to or focused on particular issues.

14 **c. What changes should be made in the limitations on discovery.** The
15 parties do not propose any changes to the limitations on discovery under the Federal and Local
16 Civil Rules, and do not propose that any other limitations be imposed. The parties intend to
17 cooperate if changes to the limitations become appropriate as discovery progresses.

18 **d. A statement of how discovery will be managed so as to minimize**
19 **expense.** The parties have agreed to serve discovery requests and responses thereto by email as
20 if they had served same by messenger or hand delivery. The parties do not propose any other
21 expense-minimizing strategies, though they expect to cooperate in exchanging discovery.

22 **e. Any other orders that should be entered by the Court.** None.

23 **7. The date by which the remainder of discovery can be completed.** Assuming a
24 January 28, 2014, trial date, the parties believe the remainder of discovery can be completed by
25 September 30, 2013 (120 days before trial).
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1 **8. Whether the parties agree that a full-time Magistrate Judge may conduct all**
2 **proceedings.** The parties do not agree that a full-time Magistrate Judge may conduct all
3 proceedings.

4 **9. Whether the case should be bifurcated.** The parties do not believe the case
5 should be bifurcated.

6 **10. Whether the pretrial statements and pretrial order should be dispensed with.**
7 The parties do not believe the pretrial statements and pretrial order should be dispensed with.

8 **11. Any other suggestions for shortening or simplifying the case.** The parties do
9 not have any other suggestions for shortening or simplifying the case.

10 **12. The date the case will be ready for trial.** The parties believe the case will be
11 ready for trial on January 28, 2014.

12 **13. Whether the trial will be jury or non-jury.** The parties have requested a trial
13 by jury.

14 **14. The number of trial days required.** The parties request eight trial days.

15 **15. The dates on which trial counsel may have complications to be considered in**
16 **setting a trial date.** None.

17 **16. Whether this case should be considered for designation for trial at the**
18 **Federal Building in Vancouver, WA.** The parties do not believe this case should be considered
19 for designation for trial at the Federal Building in Vancouver, WA.

20 **17. If on the due date of the Report, all defendant(s) have not been served,**
21 **counsel for plaintiff shall advise the Court when service will be effected, why it was not**
22 **made earlier, and shall provide a proposed schedule for the required FRCP 26(f)**
23 **conference and FRCP 26(a) initial disclosures.** All defendants have been served.

24 **18. The dates that each and every nongovernmental corporate party filed its**
25 **disclosure statement pursuant to Fed.R.Civ.P. 7.1.** Color Me House filed its disclosure
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1 statement on October 26, 2012. Discovery filed its disclosure statement on January 28, 2013,
2 contemporaneously with the filing of this Joint Status Report.

3 DATED this 28th day of January, 2013.

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